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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/960,046 09/21/2001		Leslie Bromberg 0492	0492611-0413	2611-0413 6500	
24280	7590	09/10/2003			
Choate, Hall & Stewart				EXAMINER	
Exchange Place 53 State Street				WACHTEL, ALEXIS A	
Boston, MA 02109			ART UNIT	PAPER NUMBER	
				1764	
		\		DATE MAILED: 09/10/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	Applicant(s)				
### Examiner   Ant Unit   Alexis Wachtel   1764    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - set est SK (8) MONTHS from the realing date of this communication. 18 the period for they specified south is less than this (2) days, a regly when the action of the score of the communication. 18 the period for they specified south is less than this (2) days, as regly when the action of the score of the communication. 18 the period from the realing date of this communication is the state of the period of the score is less than this (2) days, as regly when the score date of the score of the sco	•							
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAIL INC DATE OF THIS COMMUNICATION.  - after SIX (8) MONTHS for make mailing date of this communication.  - if the provided may be period above is less than thing. Only as a rely within the statutory minimum of this (20) days will be considered dried.  - if the provided may be period above is less than thing. Only days are rely within the statutory minimum of this (20) days will be considered dried.  - if the provided may be period above is less than thing. Only days are rely within the statutory minimum of this (20) days will be considered dried.  - if the provided may be period above is less than thing.  - if the provided may be period above is less than thing.  - if the provided may be considered provided provided provided provided the considered provided pr		The MAII ING DATE of this communication and						
THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be available under the provision of 3 of 2Ft 1.15(b). In no event, however, may a reply be limitely filed after SX (5) MCNTIS from the mailing date of the communication.  It NO period for reply is passible under the provision of 3 of 2Ft 1.15(b). In no event, however, may a reply be limitely filed after SX (5) MCNTIS from the mailing date of the communication.  If NO period for reply is passible does, the maximum statutury period vall by a will be considered with mailing date of the communication.  Fallurs to reply within the set of extended poded for reply will. By statute, cause the application to become ABANDONED (38 U.S.C. § 133). Any reply received by the efficie later than these membras that the mailing date of this communication, even if timely filed, may reduce any.  **Status**  1)2 Responsive to communication(s) filed on 12 June 2003.  2a)2 This action is FINAL.  2b) This action is non-final.  3)3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  **Disposition of Claims**  4)2 Claim(s) 1-30 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6)2 Claim(s) 1-30 is/are allowed.  6)2 Claim(s) 1-30 is/are allowed.  6)3 Claim(s) 1-30 is/are allowed.  8) Claim(s) 1-30 is/are allowed.  8) Claim(s) 1-30 is/are allowed.  10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) cocepted or bim of the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is/are: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The cath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made			Jears on the cover sheet with the t	correspondence address				
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## **Detailed Action**

## Response to Amendment

1. Applicant's amendment and accompanying Remarks filed 6-12-2003 have been entered and carefully considered.

The amendment is insufficient to overcome the anticipation rejections of claims 1,8-10,18,19,25,26 and 28; the obviousness rejections of claims 2-7,11-17 20-24,27 and 29; but is sufficient to overcome the 112 2<sup>nd</sup> paragraph rejections of claims 7 and 23. Claim 30 was added for consideration.

- 2. The title of US code not found in this action can be found in the previous office action.
- 3. Claims 1,8-10,18,19,25,26, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,409,784 to Bromberg substantially as set forth in the last office action.
- 4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg in view of WO 96/39576 substantially as set forth in the last office action.
- 5. Claims 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg substantially as set forth in the last office action.
- 6. Claims 2,3,4,5,6,7,15 and New Claim 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5409784 to Bromberg in view of US 5,852,927 to Cohn et al substantially as set forth in the last office action.

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7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg in view of US 5,852,927 to Cohn et al, further in view of US 5,425,332 to Rabinovich et al substantially as set forth in the last office action.

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- 8. Claims 11,12,14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg in view of US 6,245,303 B1 to Bentley et al further in view of US 5,567,398 to Ruhl et al substantially as set forth in the last office action.
- 9. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg in view of US 6,245,303 B1 to Bentley et al further in view of US 5,567,398 to Ruhl et al and US 5,674,38 to Meissner et al substantially as set forth in the last office action.
- 10. Claims 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,409,784 to Bromberg in view of US 5,425,332 to Rabinovich et al substantially as set forth in the last office action.

## Response to Arguments

11. Applicant argues that Bromberg does not teach or suggest a catalyst located at a position downstream from the plasmatron so as to be activated by hydrogen and radicals produced by the plasmatron. Examiner notes that free radicals and a catalyst both activate each other. That is to say, certain free-radical reactions cannot take placed unless a catalyst is provided to facilitate the reaction. Additionally, a catalyst can be considered inactive unless the catalyst comes in contact with a material it is capable of catalyzing. Examiner notes that palladium is a known catalytic material that is used in

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applications such as "water shift catalysis". As a result, the hydrogen separator membrane disclosed by Bromberg is capable of functioning as a catalyst. The positioning of the catalyst any distance from the plasmatron is clearly enabled by Bromberg. Applicant argues that there is a synergism between the catalyst and plasmatron of the instant application. However, absent an evidenciary showing of unexpected results demonstrating the synergism between the plasmatron and the

## Conclusion

catalyst positioned downstream from it, Examiner cannot give weight to this argument.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 10:30am to 6:30pm.

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If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Glenn Caldarola can be reached at (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Glenn Caldarola Supervisory Patent Examiner Page 5

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